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Attorneys for Defendant
GENEA ENERGY PARTNERS, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**JOHN MATTER, dba MATTER SYSTEMS
and MARK FULTON, dba INTEGRITY
AUTOMATED SOLUTIONS.**

Plaintiffs,

v.

KEITH VOYSEY, Chief Technology Officer, GENEVA ENERGY PARTNERS, INC., a California Corporation, DAVID BALKIN, position unknown, CHRIS TAYLOR, position unknown, and DOES 1 through 50, inclusive.

Defendants.

Case No.: 8:15-cv-00978-DOC-AGR

**DEFENDANT GENEVA ENERGY
PARTNERS, INC.'S
OBJECTIONS TO PLAINTIFFS'
REQUEST TO CROSS-
EXAMINE JOHN GUIST AND
TO EXTEND HEARING DATES**

Judge: Hon. David O. Carter
Complaint Filed: June 19, 2015
FAC Filed: October 5, 2015

1 On December 22, 2015, this Court dismissed Plaintiffs John Matter, d/b/a
2 Matter Systems and Mark Fulton d/b/a Integrity Automated Solutions' (collectively
3 "Plaintiffs") First Amended Complaint and set a briefing and hearing schedule for
4 defendant Genea Energy Partners, Inc.'s ("Genea") motion for Rule 11 sanctions.
5 (Dkt. 23). On December 24, 2015, Plaintiffs filed a "Request" to take the deposition
6 of John Guist and to reset the hearing dates to February 2, 2016. *See* Dkt. 24. Genea
7 opposes the "requests" made by Plaintiffs. Such requests are procedurally improper
8 and should disregarded or perfunctorily denied. If the Court intends to consider these
9 "requests," Genea opposes the "requests" on several grounds. At the outset, the most
10 recent complaint has been dismissed, as Plaintiffs themselves acknowledge. Thus,
11 there is no current action under which any deposition can be taken. Additionally, no
12 showing has been made that a deposition of Genea's former outside attorney, John
13 Guist, is necessary or appropriate, especially given the obvious attorney-client
14 privilege issues and before any Rule 26 discovery conference – if Plaintiffs are
15 allowed to proceed with any action (which at best is doubtful).

16 As to Plaintiffs' "request" to reset the hearings, that request is also unnecessary
17 and should be denied. The Court already set a revised briefing schedule for the Rule
18 11 sanctions motion, and Plaintiffs filed an opposition (Dkt. 25), presumably in
19 accordance with the schedule set by the Court. The schedule set by the Court is
20 appropriate, and no reason has been given why it should be adjusted. The amended
21 notice of hearing, which Genea filed and served on December 14, 2015 (Dkt. 22), was
22 due to the fact that the action was reassigned to this Court earlier that day, and was not
23 a valid reason to alter any of the deadlines or schedule pursuant to the Court's rules.
24 Plaintiffs' recent "requests" (Dkt. 24) are improper, unnecessary and should be denied
25 in their entirety.

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1 Respectfully submitted,

2 Dated: December 31, 2015

DUANE MORRIS LLP

3 By: /s/ Ray L. Wong

4 Ray L. Wong

5 Patrick S. Salceda

6 Attorneys for Defendant

7 GENEVA ENERGY PARTNERS, INC.

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